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Case #15-3015

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IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT
U.S. COURTHOUSE, ROOM 5523
WASHINGTON, D.C. 20001

Case No. 15-3015

Rodney Class
Grantor-Creator, Petitioner

Vs

UNITED STATES OF AMERICA
TRUSTEE, APPELLEE

JUDICIAL NOTICE
JUST CAUSE FOR OVERTURN
OF CASE 1: 13 CR 253 RWR

Introduction

Comes Now, Rodney Dale Class as Grantor-Creator, Petitioner (hereinafter Grantor) "BY Right Of Birth," for the name of [RODNEY CLASS] and sets forth this Judicial Notice before the Circuit judges for JUST CAUSE FOR OVERTURN OF CASE 1:13 CR 253 RWR in the United States Circuit Court of Appeals for the District of Columbia.

Facts of the Issue

The brief for the appeal for **Case No. 15-3015** was placed before the Circuit Court on March 10, 2015, the United States Attorney's Office failed to respond to and to rebut or dispute the brief by April 9, 2015.

This Grantor waited and gave the United States Attorney an addition 15 days after April 9, 2015 to file for leave of court to address this failure to respond but they failed to do so.

This Grantor has filed two **Notices of Non-Compliance** against the United States Attorney's Office for failure to address the brief in a timely matter as required by **"Your"** rules and **"Your"** procedures. The first was a **Notice of Fault** and the second was a **Notice of Default**. Judgment **in Equity** was then asked for.

By the United States Attorney's Office Failing to answer the Grantor's brief, this places this Grantor's brief **as the only filing that this Circuit Court can address in this Appeal Action** (See U.S. v. Miller (1939)). Failing to address the brief is a denial of Remedy and a due process of law violation, and a violation under "Trust" as a Co-Alien Property Custodian under 40 stat, P.L. 411, section 17.

This behavior of the United States Attorney's Office now results in taxpayer fraud and misuse of federal taxes per Title 31, section 3729 by having a federal probation office active on a case where the laws have been overturned due to the unconstitutionality of the laws themselves.

This behavior also violates the 13th Amendment and peonage laws as the D.C. Gun Restriction laws have been overturned and both the United States Attorney and the Public Defender's Office were aware of this issue from day one of this action (**Case No. 15-3015**) and the initial case (**12 cr 253 RWR**).

This Grantor will layout why a Writ of Mandamus is being placed before you, the Chief Judge of the Circuit Court in D.C., as there is neglect and willful failure to communicate and violations of Judicial Rules of Cannon on the part of your judges

including not being impartial in this case which allowed your trustees, the United States Attorney and the Public Defender's office, to **breach** trusteeship by falsely using misleading statements and knowingly misrepresenting the intent of the supreme Court and of Federal Regulations on the intent of meaning, and theories and concepts on intent.

This behavior has become a breach of Trusteeship to a Trust which your judges, under your watch, are breaching when their position is construed to be an endowed and trusted position which requires integrity and impartiality as an unbiased and non-prejudicial position of such an office (of that judge).

First Just Cause For Overturn

This Grantor will point to several issues in United States v. Miller 307 U.S. 174 (1939).

- A) First of all, the Miller case was won by the Defendants in the Appeals Court.
- B) It was about a short barrel shotgun and whether it had militia or military use. (Note: Viet Nam eventually changed the rules and regulations with what was then known as soldiers called “tunnel rats” being allowed to use either a short barrel shotgun or a pistol in those tunnels.)
- C) The issue was also about law-biding citizens having the right to carry.
- D) The Miller case was used to stop the misconstruing of the word “firearm” from that of “small arms.”
- E) It also pointed out the government's claim they have no duty to protect the people and thereby it is up to the people to defend themselves, and lastly
- F) Only the United States Attorney showed up and filed into the supreme Court. Miller's attorney quit which left Miller and Layton without representation and a defense.

Point of Order For Overturn

1. The government's point of view was that the only argument placed before the supreme Court was that of the United States Attorney. Miller and Layton did not have any lawyer or defense before the supreme Court.
2. The supreme Court had to rule on the only available evidence placed before them by the government as Miller and Layton had no legal counsel as a defense before the supreme Court.
3. U.S. v. Miller also implied and showed that a law-biding person has a civil right to be armed because it was held in 1855 (South v. Maryland 59 U.S. 18 How. 396, 402 (1855)) that the government had no duty to protect the “individual” citizen, but rather only the “public at large.”
4. The Miller case issue was on a short barrel shotgun of less than 18 inches “But” also on the fact that the government has no duty to protect the individual, thereby leaving the people the right to be self armed under the 2nd Amendment (see case law listed below).
5. South v. Maryland 59 U.S. (18 How.) 396, 402 (1855) relieved the government of any duty to protect the individual and average citizen - and implicitly recognized the civil right of the law abiding person to keep and bear arms for personal defense.
6. Castle Rock v. Gonzales supreme Court case # 04-278
7. Barillari v. City of Milwaukee 533 N.M.2d 759 (Wis.1995)
8. Bowers v. DeVito, 686 F2d 616 (7th Cir. 1982)
9. Warren v. District of Columbia 444 A 2d 1 (1981) “.....a government and its agencies are under no general duty to protect public services, such as police protection, to particular individual citizens...”

10. Whereas the United States Attorney's Office has failed to rebut or dispute this Grantor's Claims filed in to the Circuit Court on March 10, 2015 and that that filing is the only evidence in law placed before this DC Circuit Court then the Circuit Court can only hear the evidence **NOW** before them as the supreme Court recognized and ruled in the Miller and Layton Case.

Second Just Cause For Overturn

11. Heller v. District of Columbia 554 U.S. 570 (2008) applies to federal enclaves to protect an individual's rights to posses a firearm. The D.C. Firearms Control Regulations Act of 1975 was/is therefore unconstitutional.

12. In McDonald v. Chicago 561 U.S. 742 (2008) the Court held that the rights of an individual to "keep and bear arms" is protected by the 2nd Article or Amendment to the Bill of Rights and is incorporated in the Due Process clause of the 14th Amendment.

13. Judge Frederick J. Scullin, Jr in Palmer v. District of Columbia ruled that the right to bear arms extends outside the home, thereby affirming that gun-control laws in the nation's capital are unconstitutional.

14. Whereas as the District of Columbia receives federal funding then the District of Columbia was required to come into compliance with the new decision(s) regarding the previously existing gun laws.

Third Just Cause For Overturn

15. 18 USC, section 930 possession of firearms and dangerous weapons in federal facilities

16. 42 USC, 1981 Equal Rights under the law.

17. Article IV of the Constitution, sections 1 and 2, full faith and credit...shall be entitled

to all privileges and immunities of citizens in the several states.

18. 14th Amendment, clause 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law, which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

19. This Grantor carried a valid carry conceal permit from North Carolina State and by having a carry concealed permit all small arms were reported to the FBI in DC during the background check.

20. Grantor had no such "firearms" as defined in the U.S. v. Miller, nor had such "firearms" on his body while entering federal facilities defined in Heller vs D.C. nor was he declared to be unable to carry.

Fourth Just Cause For Overturn

21. The Federal Criminal Rules of Procedure, Rule 12 allows this Grantor to respond as a defense as purported in Ruling on Motion (d).

22. The same Federal Criminal Rules of Procedure, Rule 12 requires the court to place on the record its essential finding on the record and Did Not.

23. Federal Criminal Rules of Procedure, Rule 12(v) an error in the grand- jury proceeding or preliminary hearing. The grand-jury was intentionally misled as to the intent of the Heller and McDonald decisions as well as 18 USC, 930.

Fifth Just Cause For Overturn

Unclean Hands Doctrine

24. Both the United States Attorney and the Public Defender's Office both misrepresented the theories and concepts of the laws as well as the written laws in the Courtroom.

25. Both the United States Attorney and the Public Defender's Office were aware that the Grantor's Miranda Rights were violated not only by the Capitol Hill Police, but by the FBI, the U.S. Marshals and the other federal agencies involved, and when the United States Attorney was asked by Judge Kessler if this was true the United States Attorney was unable to rebut this fact **and stood mute**.

26. Both the United States Attorney and the Public Defender violated the rules of ethics under the Canons and Rules of Ethics, under their Bar Oath to fairness, and under Title 36 USC, chapter 75, section 70503.

27. Both the United States Attorney and the Public Defender's Office know that all evidence came under the fruit of the poison tree doctrine and was not admissible under tradition, rulings, good morals or ethics.

28. Both the United States Attorney and the Public Defender's Office as well as the USDC Judges were aware of the third party complaints of attorney's misconduct and misuse of case law and abuse of the intent of the law.

29. The Grantor fervently believes that both the United States Attorney and the Public Defender's Office along with all Attorneys and Judges understand the intent of "Miller v. U.S. (1939)."

30. The case, United States v. Miller (1939), was intended to be a one sided, slam-dunk argument in favor of the government as it defined the term "firearm", to set the stage for

the term “firearm” to be used, as it was only the government that appeared before the supreme Court in 1939.

31. But a “firearm” is actually defined as a “short barrel shotgun of less than 18 inches” as defined in the **National Firearm Act of 1934, the 1968 Gun Control Act, 26 USC 5845, and 27 CFR 479.11.**

32. The issues just above and others found in paragraphs 1-30 were in the Grantor's filings during the action of the initial case (12 cr 253 RWR) and all in accordance with Fed. Cr. R. P., Rule 12 for appeal and as per the Rules of Evidence.

33. The Grantor will remind this Circuit Court of Appeals that Miller and Layton won their lower court Appeal and only ultimately lost because they were not represented in the supreme Court as the government knew that the Miller attorney would not and did not go before the supreme Court.

34. Miller and Layton lost by default for failure to appear (because they had NO representation).

35. The Statements above, to a reasonable and impartial mind, would be enough to grant the overturning of the Grantor's initial case (12 cr 253 RWR) and this action (15-3015) from the USDC of DC.

**Motion To Have The Clerk Of Court Open A Bank Account In The
Grantor's Name For Deposit Of Restitution**

36. Whereas the court bench also functions as a bank then this Grantor moves this court to open a bank account on behalf of this Grantor, in his name, into which to deposit any forthcoming restitution.

34. A bank account with an account number and routing number can be supplied if you choose to use two different accounts.

37. And, Whereas P.L. 1, 48 stat, C1 an section 5(b) of 40 stat, L 411 in P.L.1, 48 stat C1 and 12 USC 95, 95a, 95b created Trusts and Trusteeships because of the changes of the New Deal in 1933 creating and empowering administrations/agencies rule making and changing the courts to administrative.

38. And, Whereas in 1938 Chancery Courts and Article III Courts got renamed as Administrative Courts due to the Enabling Rule Act of 1938. This changed the rules and thereby created the Federal Rule of Procedures in a combining of Chancery and Article III courts into one court under Trust Law.

39. And, Whereas the United States Codes, by legislative Acts, are nothing more than “administrative regulations” by Acts of Congress as I stated and defined in my court filings. I supported my contentions with facts and congressional records, and as you, Judge Garland, are the administrator of the Trust, a charge of breach of trusteeship is being placed before your chambers in the form of this Writ of Mandamus for you to handle this issue with integrity, impartialness in an unbiased manner and without prejudice as required under the Judicial Rules of Cannon and under Chancery under Equity.

Sixth Just Cause For Overturn

40. This Grantor will now start addressing other parts of this court filing. Under a Writ Certiorari and Mandamus this court only has criminal jurisdiction under the Trading With the Enemy Act under Title 50, chapter 3, section 23. And, under Title 50, appendix, section 21, I **NEVER** gave up my status as an American citizen.

41. Thereby Title 50, chapter 3, section 23 supporting the reconstruction act of 1867, recognizes this court's jurisdiction being under one of the military district and the Banking Emergency of 1933 under the Trading With The Enemy Act to which the courts are administrative.

42. As per your legislation the Courts are called District Courts and would be defined as Territorial Courts and under a Military District as legislative Courts.

43. Legislative Courts are not Article III Courts, but Administrative Courts.

44. The 1933 New Deal also changed the Courts from Article III to Administrative Courts leaving the choice up to the judge whether to run a Chancery, common law, Article III, Administrative, Law or Equity or a Bankruptcy and Trust Court.

45. I am protected under the 11th Amendment from foreign states "AS" your administration arises out of the IOIA OF 1945 and is under U.N. JURISDICTION. This makes this a foreign State issue and comes under 28 USC, 1602-1611 and the Foreign Sovereign Immunities Act.

46. The fact is that your United States Attorney and Public Defenders are Trustees in a Trusteeship under the 1933 Banking Emergency Act and Trading with the Enemy Act, section 5 (b).

47. This Court is aware that under the 1935 Industrial Recovery Act it is prohibited for one profession in the Court system from running a monopoly on the law and to deny any other party the same right to defend themselves.

48. **Vol. 43** of the Statutes at Large **stops** on March 4, 1925 and **Vol. 44 begins** on Dec 16, 1925.

49. Thereby proving that the Revised United States Code could **NEVER** have been

passed into law on December 7, 1925 as the government has posited !

50. The 1935 Federal Register Act proves the United States Codes are Administrative regulations applicable to the government agencies **only**.

51. And, Whereas any new additions to the U.S.C. is for their original intent and **for government administrative agencies regulation only**.

52. This Grantor has provided the congressional records as proof and the congressional languages that the U.S.C. targets for those under Title 5 U.S.C. Administrative or a foreigner applying for citizenship and all of it fails to apply to the status of "American Citizen."

53. All of this and more is in both my USDC Court filings currently (**Case No. 15-3015**) and my initial case (**12 cr 253 RWR**).

CONCLUSION

This Grantor, comes before you judge with JUST CAUSE FOR OVERTURN and to address this breach of trusteeship of your United States Attorney's Office and your Public Defender Office, to settles and to dispose of this issue, and to be made whole with the return of all property and payment of restitution, and to put a stop to taxpayer abuse of having a probation office on the clock when DC gun laws have been declared unconstitutional for a third time.

Your Clerk of Court is able to open a bank account in this Grantor's name to deposit such restitution in a private account under your court's name.



Settlement and restitution can be paid in 6,000,000.00 USD or Six Million Federal Reserve Notes or 6,000,000.00 USD in US Postal Money Orders and be deposited in that private account set up by the Clerk of Court or physically remitting \$6,000,000.00 in postal stamps directly to Mr. Class. As Chief Judge you can settle this under any of the Five Mandamus issues listed above and seal the rest of the issues in the same matter the supreme Court did in "US v. Miller."

Your trustees in the United States Attorney's Office and the Public Defender's Office breached the trusteeship of the USDC in DC.

The 1935 Industrial Recovery Act is very clear in its language against a monopoly being used unfairly in the practice of any profession that would give that profession an unfair advantage to one single group of people.

**This Grantor NOW COMES With Remedy To Settle
And Dispose Of This Trust Breach.**

This Grantor NOW MOVES The Clerk of Court and/or the Appeals Circuit Court Judge of the UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT for a "Default Judgment" against the United States Attorney's Office, as THEY represented the UNITED STATES a/k/a UNITED STATES OF AMERICA in UNITED STATES v. RODNEY CLASS (12 cr 253 RWR), for failure to enter, rebut, dispute or debate the brief of the Grantor filed on March 10, 2015 as Miller and/or his Attorney did fail in a like matter to rebut or dispute, etc. the government's claim(s) in UNITED STATES v. MILLER before the supreme Court



Certificate of Notice

Now Comes, Rodney Dale Class as Grantor to place this filing before the Clerk of Court JUST CAUSE FOR OVERTUN on this 17 day of Sept in the year of our Lord 2015 A.D.

CC:

Rodney- Dale; Class
Private Attorney General
P.O. Box 435
High Shoals, N.C. [28077]

UNITED STATES ATTORNEY OFFICE

IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT
U.S. COURTHOUSE, ROOM 5523
WASHINGTON, D.C. 20001

Case NO. 15-3015

Rodney Class
Grantor-Creator, Petitioner
Vs
UNITED STATES OF AMERICA

ENTRY OF JUDGMENT FOR RELIEF AND DEFAULT

The UNITED STATES COURT OF APPEALS for the District of Columbia Circuit HEREBY sets forth its opinion.

That in case 12 cr 253 RWR the number of errors set forth by Mr. Class clearly show that the UNITED STATES DISTRICT COURT was in error numerous times.

1. The Heller case in 2008 declared the D.C. Firearms Control Regulations Act of 1975 was unconstitutional. This was pointed out in Mr. Class' filing. Thereby giving just cause to overturn this case (12 cr 253 RWR) in favor of Mr. Class.
2. The McDonald case being a repeat of the Heller case, again, declared the DC gun regulations as unconstitutional. And again Mr. Class address this in his filing. Thereby giving just cause to overturn this case (12 cr 253 RWR) in favor of Mr. Class.
3. Mr. Class' lack of having been given Miranda Rights has been questioned and the United States Attorney Office has failed to address this. The Court can only conclude that Mr. Class was not Mirandized properly thereby giving just clause to overturn this case in favor of Mr. Class.
4. This Court finds the U.S. v. Miller did indeed address the issue of a short barrel shotgun which the United States Attorney failed to produce as Mr. Class was in procession of a long rifle and two hand guns clearly not a short barrel shotgun thereby giving just clause to overturn this case (12 cr 253 RWR) in favor of Mr. Class.
5. Most importantly, in this case (12 cr 253 RWR), was that Mr. Class did have a carry conceal permit from his home State thereby giving just clause to overturn this case (12 cr 253 RWR) in favor of Mr. Class.

6. Our Constitution and the Bill of Rights protect People like Mr. Class as he was acting as a law-biding citizen at the time of his arrest. Again thereby giving just clause to overturn this case (12 cr 253 RWR) in favor of Mr. Class.

7. Mr. Class, in his many court filings, addressed the fruit of the poison tree and the clean hand doctrine. Because the Capitol Hill Police dropped the initial parking ticket and failed to get a conviction and any evidence and all statements, even if Mr. Class was Mirandizes properly, would still come under the fruit of the poison tree and unclean hands, and, again, thereby give just clause to over turn this case (12 cr 253 RWR) in favor of Mr. Class.

8. This Court finds that Mr. Class challenged the corpus delicti (see "Crawford vs Washington" decision) and that there was no damaged party and that the law has now been overturned meaning that Mr. Class could not even been charged for law braking when the law(s) has/have been declared unconstitutional. Again, thereby, giving just clause to overturn this case (12 cr 253 RWR) in favor of Mr. Class.

9. This court finds that Mr. Class addressed that the grand jury was misled not only on the intent of the Heller case, but the intent of the Miller dealing with a short barrel shotgun. Again, thereby, giving just clause to overturn this case (12 cr 253 RWR) in favor of Mr. Class.

10. And, also by Mr. Class walking into the both the House and the Senate buildings is a clear sign that Mr. Class did NOT have any firearms on his person and, again, thereby giving just clause to over turn this case (12 cr 253 RWR) in favor of Mr. Class.

This Court finds that Mr. Class' argument before the USDC and in all his court filings that his rights have been violated.

Because the United States Attorney has failed to answer Mr. Class' briefs and that the court can only procedurally rule on the information timely placed before it, as Mr. Class pointed in the U.S. v. Miller decision, then this Court can only address the "firearm" definition issue as the DC gun restrictions have now been overturned for the third time and, seemingly, again with Mr. Class' case (12 cr 253 RWR).

This Court will seal Mr. Class' file due to the many issues that Mr. Class set forth in his rebuttal (Appeal) against the United States Attorney's Office charges.

The Court hereby Reverses the previous USDC ruling in (12 cr 253 RWR) to now be in favor of Mr. Class and hereby ORDERS the United States Attorney's Office to pay restitution to the sum of

\$6,000,000.00 USD to Mr. Class to be placed in a bank account to be open by the Clerk of Court in Mr. Class' name and for Mr. Class henceforth to forward all debts to this bank account to be paid by the Trustee of said account and upon his death his heirs, such as wife or children, will have benefits as beneficiaries to the unspent amount.

SO ORDERED on _____.
